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# Security Council

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**Security Council Committee established pursuant to resolution 1718 (2006)**

## Note verbale dated 21 May 2012 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Luxembourg to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and, in accordance with paragraph 22 of Security Council resolution 1874 (2009), has the honour to transmit herewith information on the implementation by Luxembourg of the United Nations sanctions imposed upon the Democratic People's Republic of Korea (see annex).

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## Annex to the note verbale dated 21 May 2012 from the Permanent Mission of Luxembourg to the United Nations addressed to the Chair of the Committee

## Report of Luxembourg to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

In accordance with paragraph 22 of Security Council resolution 1874 (2009) and further to the report submitted in a note verbale dated 11 February 2008 (see document S/AC.49/2008/1 of 26 February 2008) pursuant to paragraph 11 of resolution 1718 (2006), Luxembourg has the honour to provide the Security Council Committee established pursuant to resolution 1718 (2006) with the following information on the specific measures that it has taken to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) and paragraphs 9 and 10 of resolution 1874 (2009) and the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

### Measures taken by the European Union

Under European Union law, Security Council resolutions are implemented by decisions of the Council of the European Union in the area of the Common Foreign and Security Policy.

These decisions are legally binding on member States and transpose the content of Security Council resolutions into European Union law. In order to make their content not only binding on member States, but also directly applicable within them, the decisions need to be incorporated into European Council regulations. In application of these principles, Luxembourg and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolutions 1718 (2006) and 1874 (2009) as follows:

### Decision 2010/800/CFSP of 22 December 2010 repealing Common Position 2006/795/CFSP of 20 November 2006, as amended by Decision 2011/860/CFSP of 19 December 2011

This European instrument prohibits the export of goods or technology which could contribute to North Korea's nuclear-weapon-related, other-weapons-of-mass-destruction-related or ballistic missile-related programmes, the provision of related services, the procurement of items and technology from the Democratic People's Republic of Korea and the export of luxury goods to the Democratic People's Republic of Korea; it also calls for the freezing of funds and economic resources of persons, entities and agencies which engage in or provide support for the aforementioned North Korean programmes.

### Regulations of the Council of the European Union

Council regulations implement the elements of the above decisions which fall within the competence of the European Union under the Treaty on the Functioning

of the European Union, in particular with a view to ensuring their uniform application by economic operators in all member States.

Council regulations are binding in their entirety and are directly applicable in all States members of the European Union as soon as they have been published in the *Official Journal of the European Union*. Funds and economic resources are frozen directly and immediately by the Council regulations. No further national implementation is necessary in this respect.

- **Council Regulation (EC) No. 329/2007 of 27 March 2007** concerning restrictive measures against the Democratic People's Republic of Korea containing the list of goods and technologies adopted by the sanctions Committee by its decision of 1 November 2006.

Updates are made through amendments to regulation (EC) No. 329/2007 that reflect decisions of the sanctions Committee:

- **Commission Regulation (EC) No. 117/2008 of 28 January 2008** amending Council Regulation (EC) No. 329/2007
- **Council Regulation (EU) No. 1283/2009 of 22 December 2009** amending Council Regulation (EC) No. 329/2007
- **Council Regulation (EU) No. 567/2010 of 29 June 2010** amending Council Regulation (EC) No. 329/2007.

These regulations have been supplemented by the following implementing regulation:

- **Commission Implementing Regulation (EU) No. 1355/2011 of 20 December 2011** amending the list of persons, entities and bodies who are covered by the freezing of funds and economic resources.

**Measures taken by Luxembourg**

In accordance with paragraphs 9, 10 and 18 of resolution 1874 (2009), Luxembourg has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries. This legislation is the basis for implementation of the arms embargo against the Democratic People's Republic of Korea and of the prohibition of the provision of related services. The amended Act of 15 March 1983 on arms and ammunition forbids any person residing in Luxembourg to take part in any arms transaction without a licence issued for that purpose by the Minister of Justice. Moreover, the amended Act of 5 August 1963 concerning the import, export and transit of goods and related technology and the Grand-Ducal Regulation of 31 October 1995 on the import, export and transit of arms, munitions and equipment specifically intended for military use and related technology provide that an export authorization is required for the sale, supply, transfer or export of arms and related material. This applies to all items on the Common Military List of the European Union.

Licence applications are assessed against the relevant criteria and take into account the measures imposed by paragraph 8 of resolution 1718 (2006) and paragraphs 9 and 10 of resolution 1874 (2009). Where applicable, Luxembourg will ensure that notification is given to the Committee prior to any shipment of arms or related materiel. To date, no such shipment has been made from Luxembourg.

Paragraphs 19 and 20 of resolution 1874 (2009) call upon States not to enter into new commitments for grants, financial assistance, or concessional loans to, and not to provide public financial support for trade with the Democratic People's Republic of Korea. Luxembourg has not entered into any such commitments. An initial political analysis indicates that, under the obligations arising from resolution 1874 (2009), no bilateral financial support may be provided for exports. Council Decision 2010/800/CFSP of 22 December 2010, as amended by Council Decision 2011/860/CFSP of 19 December 2011, incorporates and extends the lists of dual-use goods established by the sanctions Committee, the list of persons to whom entry shall be denied and the list of persons and entities whose assets have been frozen, also established by the sanctions Committee. In addition to prohibiting the provision of subsidies, credit or insurance to the Democratic People's Republic of Korea pursuant to paragraphs 19 and 20 of resolution 1874 (2009), the Decision calls for the voluntary elimination of existing subsidies. It introduces a system under which financial institutions will report to the authorities of member States with a view to the monitoring of transactions linked to the Democratic People's Republic of Korea which may contribute to nuclear proliferation, thereby facilitating the implementation of paragraph 18 of resolution 1874 (2009). It also introduces a system for prior notification of all cargo transport to or from the Democratic People's Republic of Korea in order to facilitate the implementation of resolution 1874 (2009), paragraph 11. It implements paragraphs 12 to 16 of the resolution on inspections on the high seas; paragraph 17 on the provision of services to vessels of the Democratic People's Republic of Korea; and paragraph 28 on the teaching of students from the Democratic People's Republic of Korea.